

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

JEVON THAMES,

Plaintiff,

v.

MEAD & ASSOCIATES, Inc,

Defendants.

No. 16-cv-606-DRH

ORDER

HERNDON, District Judge:

Pending before the Court is plaintiff's motion for default judgment (Doc. 12). Based on the following, the Court denies the motion.

Obtaining a default judgment is a two-step process. First, a party must seek an entry of default from the clerk. Fed. R. Civ. P. 55 (a). Second, a party must seek a default judgment. Fed. R. Civ. P. 55(b). There is a clear distinction between the two steps. See *Lowe v. McGraw-Hill Cos.*, 361 F.3d 335, 339 (7th Cir. 2004); see also *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004); *United States v. Di Mucci*, 879 F.2d 1488, 1490 n.3 (7th Cir. 1989).

Here, the plaintiff neglects the first step and moves directly to the second. As Rule 55 indicates, before seeking a default judgment, a plaintiff must first obtain an entry of default from the clerk. Accordingly, the motion is improper and must be denied.

For the reasons stated herein, the Court **DENIES** plaintiff's motion for a default judgment. (Doc. 12).

IT IS SO ORDERED.

Signed this 20th day of October, 2016.

David R. Herndon



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Judge David R. Herndon
Date: 2016.10.20
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United States District Judge